

**DETAILED ACTION**

**EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Applicants' Attorney, Mr. Johnathan M. Rushman on 05/14/2009.

**In the claims** of Request for Consideration filed on 01/02/2009:

**Claim 1**, line 10, after "the plurality of noise buffers", - - to which noise components were stored in step (e), the selected combination of the plurality of noise buffers - - has been inserted; and

line 12, after "calculating a signal", - - power - - has been inserted.

**Claim 3**, line 2, after "the calculated signal", - - power - - has been inserted.

**Claim 14**, line 8, after "the plurality of buffers", - - to which responses were stored in step (d), the selected combination of the plurality of buffers - - has been inserted; and line 10, after "calculating a signal", - - power - - has been inserted.

**Claim 16**, line 2, after "the calculated signal", - - power - - has been inserted.

**Claims 21-24:** Canceled.

#### **Allowable Subject Matter**

2. **Claims 1-11, and 13-19 are allowed** which have been re-numbered to as 1-18, respectively.

The following is an examiner's statement of reasons for allowance:

Regarding independent **claim 1**, the prior art of record fails to teach or suggest a method of artifact rejection comprising: (a) transmitting a stimulus; (b) receiving a response to the stimulus; (c) splitting the response into a noise component and a signal component; (d) calculating a noise power from the noise component; (e) based on the calculated noise power, storing the noise component in one of a plurality of noise buffers and the signal component in a corresponding one of a plurality of signal buffers; (f) repeating steps (a) through (e); (g) selecting a combination of the plurality

of noise buffers to which noise components were stored in step (e), the selected combination of the plurality of noise buffers having a lowest noise power; and (h) calculating a signal power from a combination of signal buffers corresponding to the selected combination of noise buffers, as specified in the independent Claim 1.

Regarding independent **claim 14**, the prior art of record fails to teach or suggest a method of artifact rejection comprising: (a) transmitting a stimulus; (b) receiving a response to the stimulus; (c) calculating a noise power from the response; (d) based on the calculated noise power, storing the response in one of a plurality of buffers; (e) repeating steps (a) through (d); (f) selecting a combination of the plurality of buffers to which responses were stored in step (d), the selected combination of the plurality of buffers having a lowest noise power; and (g) calculating a signal power based on the selected combination of buffers, as specified in the independent Claim 14.

**Claims 2-11 and 13** are allowed by virtue of their dependency on **Claim 1**.

**Claims 15-19** are allowed by virtue of their dependency on **Claim 14**.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Con P. Tran whose telephone number is (571) 272-7532. The examiner can normally be reached on M - F (8:30 AM - 5:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Vivian C. Chin can be reached on (571) 272-7848. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Application/Control Number: 10/035,455

Page 6

Art Unit: 2614

/Vivian Chin/

Supervisory Patent Examiner, Art Unit 2614